

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Winstar Communications, LLC
Emergency Petition for Declaratory Ruling
Regarding ILEC Obligations to
Continue Providing Services

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WC Docket No. ⁰²92-80

COMMENTS
of the
GENERAL SERVICES ADMINISTRATION

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April 29, 2002

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**COMMENTS
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GENERAL SERVICES ADMINISTRATION**

The General Services Administration ("GSA") submits these Comments on behalf of the customer interests of all Federal Executive Agencies ("FEAs") in response to the Commission's Public Notice ("Notice"), DA 02-924, released on April 19, 2002. In the Notice, the Commission seeks comments and replies on the Emergency Petition for Declaratory Ruling ("Petition") filed on April 17, 2002 by Winstar Communications, LLC ("IDT Winstar").

I. INTRODUCTION

Pursuant to Section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 481(a)(4), GSA is vested with the responsibility to represent the customer interests of the FEAs before Federal and state

regulatory agencies. The FEAs require a wide array of interexchange and local telecommunications services throughout the nation. From their perspective as end users, the FEAs have consistently supported the Commission's efforts to bring the benefits of competitive markets to consumers of all telecommunications services.

GSA's mission is to help Federal agencies serve the public, and one way GSA has fulfilled that goal is by developing government-wide contracts for goods and services such as telecommunications. For example, GSA created the Metropolitan Area Acquisition ("MAA") program to take advantage of emerging competition in the local telecommunications market. Dozens of MAA contracts now offer federal government agencies a broad set of local voice and data telecommunications services. Contracts have been awarded in 23 cities; 6 vendors hold these contracts. Winstar Wireless, Inc. ("Old Winstar") holds 14 MAA contracts. Those contracts, with base periods of 4 years plus four one-year options, still have many years to run. Old Winstar currently provides voice services to over 30,000 Federal government end users. See Attachments 1 and 2.

Old Winstar filed for bankruptcy on April 18, 2001.¹ In December 2001, the Bankruptcy Court accepted the offer of IDT Winstar's parent, Winstar Holdings, to purchase the assets and customers of Old Winstar.² In its Petition, IDT Winstar reports that it and its customers are "confronted by immediate threats" from the Regional Bell Operating Companies ("RBOCs") to deny or delay provisioning of facilities and services

¹ Petition, p. 3.

² Id.

that IDT Winstar needs to service its customers.³ IDT Winstar, therefore, requests a Commission ruling that would prevent any incumbent local exchange carrier from denying or delaying the provisioning of facilities and services under its control to IDT Winstar.⁴

In these Comments, GSA urges the Commission to ensure the continuity of services so that there may be a seamless transfer of customers from Old Winstar to IDT Winstar.

II. THE COMMISSION SHOULD ENSURE THE SEAMLESS TRANSFER OF CUSTOMERS FROM OLD WINSTAR TO IDT WINSTAR

Services currently provided by Old Winstar are critical to the daily operations of the FEAs. At the most basic level, the “dial tone” services Old Winstar provides are clearly essential to government agencies—that is how the FEAs place local calls, ranging from the routine to the mission-critical level. In providing dial tone, Old Winstar also supplies the necessary gateway for all long-distance and international calls and transmissions. In addition to agency business applications, Old Winstar currently provides Federal employees access to Emergency 911. There is a reason why the MAA contracts require Old Winstar to maintain a reliability standard of 99.5% -- uninterrupted availability of telecommunications is of utmost importance to agency operations.

Several of Old Winstar's Federal customers support national security and other critical functions. These include: Coast Guard Search and Rescue, U.S. Attorneys

³ Id., p. 1.

⁴ Id.

Offices, Federal Protective Service, United States District Courts, Drug Enforcement Agency, and U.S. Marshals. Moreover, in its Petition, IDT Winstar notes that its commercial customers outnumber its government customers, and include "medical facilities, schools, police and sheriff departments, municipal governments, banks, and brokerage firms."⁵ Continuity of service is particularly important to the public for operations such as these. In fact, in light of September 11, the availability of competitive local exchange carriers such as IDT Winstar is going to be vital in providing redundant systems for back-up plans to ensure continuing operations.

As the Petition notes, the facilities and services to be "provisioned" are already in place.⁶ It is clearly in the public interest for the transfer of customers from Old Winstar to IDT Winstar to take place without service disruption or degradation. GSA urges the Commission to respond to IDT Winstar's Petition in such a way as to ensure a seamless transfer.

⁵ Id., p. 5.

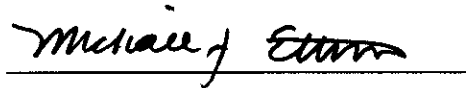
⁶ Id., p. 4.

III. CONCLUSION

As a major user of telecommunications services, GSA urges the Commission to ensure the seamless transfer of customers from Old Winstar to IDT Winstar.

Respectfully submitted,

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WINSTAR**Customers by Agency**

	Users
WINSTAR TOTAL	30,106
CIA	2
Congress	31
Corps of Civil Engineers	1193
Corporation for National Serv.	11
Defense Logistics Agency	44
Dept of Agriculture	398
Dept of Commerce	277
Dept of Defense	174
Dept of Education	81
Dept of Energy	1
Dept of Interior	3919
Dept of Justice	1921
Dept of Labor	745
Dept of State	13
Dept of the Airforce	12
Dept of the Army	2637
Dept of the Navy	497
Dept of Transportation	576
Dept of Treasury	2368
Dept of Veterans	164
EEOC	206
Environmental Protect.Agency	3173
Execut.Office of the President	19
Federal Aviation Admin.	59
Federal Communication Com.	15
Federal Mediation & Com	11
Federal Public Defenders	3
Govt Printing Office	31
GSA ONLY	5103
HHS	1201
HUD	78
Independent U.S. Gov Ag	113
Judiciary	1992
Nat. Academy of Sciences	3
Nat. Archives	668
National Labor Relations	344
Office of Personnel Mgmt	294
Railroad Retirement Board	32
Securities & Exchg Comm.	152
Small Business Admin.	303
Social Security Admin.	1014
United States Postal	9
US Marshalls	165
US Public Defenders	0
US Tax Court	4
US Doc Off. of Inspector Gen	50

12/11/01

WINSTAR**Completed Cutovers**

Atlanta
Dept of Agriculture
Dept of Justice
DOI
Dept of Treasury
GSA
Judiciary
National Labor Relations
OPM
SSA

Baltimore
Congress
Corps of Civil Engineers
Department of Commerce
DOD
Department of Justice
Department of the Army
DOI
Dept of Treasury
Dept of Transportation
GSA
Independent U.S. Gov.Ag
Judiciary
National Labor Relations
OPM
Railroad Retirement Board
SSA

Cincinnati
GSA*

Dallas
DOL

Denver
Department of Justice
DOI
Dept of Treasury
EPA

Federal Communication
GSA*
OPM

Los Angeles
Dept of Agriculture
Dept of Commerce
DOD
Dept of Education
DOH
DOJ
Dept of the Airforce
Dept of Army
Dept of Treasury
Dept of Transportation
Federal Mediation & C
GSA*
Independent U.S. Gov Ag
Judiciary
National Labor Relations
SSA
United States Postal

Miami

Minneapolis
Dept of the Treasury

Philadelphia
GSA*

St. Louis
Department of Veterans
GSA*

* Note: Some agencies are grouped behind single PBX's. The PBX's are listed as "GSA".

CERTIFICATE OF SERVICE

I, MICHAEL J. ETTNEK, do hereby certify that copies of the foregoing "Comments of the General Services Administration" were served this 29th day of April, 2002, by hand delivery or postage paid to the following parties.

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